

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 22, 2017 at 8:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Carlie Boland (D)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Scott Sales (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 249, 2/15/2017; SB 250, 2/15/2017; SB 207, 2/15/2017;
SB 229, 2/15/2017; SB 310 2/20/2017
Executive Action: SB 230-Do Pass, SB 258-Do Pass, SB 310-Do Pass,
SB 207-Do Pass, SB 249-Do Pass As Amended, SB 250-Do Pass

HEARING ON SB 310

Opening Statement by Sponsor:

00:01:07 Sen. Lea Whitford (D), SD 8, opened the hearing on SB 310, Revise laws related to criminal jurisdiction on the Flathead Indian Reservation.

Proponents' Testimony:

00:08:33 Leonard TwoTeeth, council vice chair, Confederated Salish and Kootenai Tribes
00:13:19 Troy Felsman, council member, Confederated Salish and Kootenai Tribes (CSKT)
00:17:47 Ryan Rusche, tribal attorney, Confederated Salish and Kootenai Tribes (CSKT)
00:22:32 Carol Lankford, self
00:22:48 Rep. Susan Webber, HD 16

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:23:53 Sen. Swandal
00:24:25 Mr. Felsman, CSKT
00:27:16 Chairman Regier
00:27:23 Mr. Felsman
00:28:05 Sen. Fielder
00:28:26 Mr. Felsman
00:30:37 Mr. Rusche, CSKT
00:35:07 Sen. MacDonald
00:35:28 Mr. Rusche
00:37:23 Sen. Sands
00:38:05 Sen. Whitford
00:38:16 Mr. Rusche

[EXHIBIT\(jus39a01\)](#)

Closing by Sponsor:

00:39:56 Sen. Whitford

HEARING ON SB 207

Opening Statement by Sponsor:

00:41:03 Sen. Frederick (Eric) Moore (R), SD 19, opened the hearing on SB 207, Provide for confidentiality of heritage properties and paleontological remains

[EXHIBIT\(jus39a02\)](#)

Proponents' Testimony:

00:43:47 Chuck Denowh, United Property Owners of Montana
[EXHIBIT\(jus39a03\)](#)

00:45:06 Jessica Sena, Montana Petroleum Association

Opponents' Testimony:

00:45:54 Peggy Trenk, Treasure State Resources Association

Informational Testimony:

None

Questions from Committee Members and Responses:

00:46:36 Sen. Sands
00:46:45 Sen. Moore

Closing by Sponsor:

00:46:56 Sen. Moore

HEARING ON SB 229

Opening Statement by Sponsor:

00:47:23 Sen. Frederick (Eric) Moore (R), SD 19, opened the hearing on SB 229, Require release of case records if child exposed to dangerous drugs.

Proponents' Testimony:

00:50:10 Marty Lambert, attorney, Gallatin County
00:52:37 Jean Branscum, chief executive officer, Montana Medical Association
00:54:17 Mark Murphy, Montana County Attorneys Association (MCAA)
00:55:19 Jase Basnaw, detective, Ravalli County Sheriffs Department

Opponents' Testimony:

00:55:57 Kate Cholewa, Montana Cannabis Association

Informational Testimony:

00:58:42 Laura Smith, deputy director, Department of Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

00:59:14 Sen. Hinkle

00:59:47 Sen. Moore
 01:01:41 Sen. MacDonald
 01:01:59 Sen. Moore
 01:02:24 Sen. MacDonald
 01:02:30 Ms. Smith, DPHHS
 01:06:07 Sen. MacDonald
 01:06:37 Mr. Murphy, MCAA
 01:07:47 Sen. Sands
 01:08:07 Sen. Moore
 01:11:00 Sen. Fielder
 01:11:30 Sen. Moore
 01:12:50 Sen. Gross
 01:13:21 Ms. Smith
 01:14:17 Chairman Regier

Closing by Sponsor:

01:14:29 Sen. Moore

HEARING ON SB 250

Opening Statement by Sponsor:

01:15:28 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 250, Revise laws for prosecutorial immunity for Marsy's law.

Proponents' Testimony:

01:16:47 Jon Bennion, Office of the Attorney General, Department of Justice
 01:18:33 Marty Lambert, attorney, Gallatin County
 01:21:06 Rich McLane, deputy chief of police, Bozeman Police Department; Montana Association of Chiefs of Police
 01:24:31 Chuck Denowh, director, Montana District/Marsy's Law for All (MLFA)

EXHIBIT(jus39a04)

01:25:07 Mark Murphy, Montana County Attorneys Association
 01:28:39 Dave Galt, Montana Sheriffs and Peace Officers Association
 01:29:12 Jerry Williams, executive director, Montana Police Protective Association
 01:29:27 Adrienne Slaughter, Department of Corrections
 01:30:23 Greg Sullivan, attorney, City of Bozeman
 01:33:09 Thomas Jodoin, attorney, City of Helena
 01:34:46 Sara Sexe, attorney, City of Great Falls; also for John Schaffer, Great Falls Police Department

EXHIBIT(jus39a05)

01:39:45 John MacDonald, City of Missoula; also for Jim Nugent, attorney, City of Missoula; Mike Brady, chief of police, Missoula
 01:40:38 Alan Hulse, chief executive officer, Montana Municipal Interlocal Authority
 01:42:22 Kelly Lynch, deputy director, general counsel, Montana League of Cities and Towns

01:43:05 Brian Hopkins, Montana Association of Counties
01:43:36 Al Smith, Montana Trial Lawyers Association (MTLA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:45:57 Sen. Sands
01:46:30 Sen. Swandal
01:48:07 Mr. Smith, MTLA
01:49:03 Sen. Sands
01:49:28 Sen. Swandal
01:49:57 Sen. Fielder
01:50:11 Mr. Denowh, MLFA
01:53:00 Sen. Gross
01:53:13 Mr. Denowh

Closing by Sponsor:

01:55:22 Sen. Swandal

HEARING ON SB 249

Opening Statement by Sponsor:

01:56:04 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 249, Generally revise criminal laws regarding testimony from accomplices/informants.

[**EXHIBIT\(jus39a06\)**](#)

Proponents' Testimony:

01:59:34 Abigail St. Lawrence, Montana Innocence Project

[**EXHIBIT\(jus39a07\)**](#)

Opponents' Testimony:

02:04:57 Brant Light, chief prosecutor, Office of the Attorney General, Department of Justice
02:10:47 Mark Murphy, Montana County Attorneys Association; Montana Association of Chiefs of Police; Montana Police Protective Association
02:16:09 Brandon Wooley, sergeant, Billings Police Department; Yellowstone County Sheriffs Department; Eastern Montana High Intensity Drug Trafficking Area Task Force
02:19:21 Jase Basnaw, detective, Ravalli County Sheriffs Department
02:23:02 Dave Galt, Montana Sheriffs and Peace Officers Association

Informational Testimony:

None

Questions from Committee Members and Responses:

02:24:02 Sen. Fielder
 02:24:56 Sen. Swandal
 02:26:46 Sen. Gross
 02:27:04 Sen. Swandal
 02:28:29 Sen. MacDonald
 02:29:25 Sen. Swandal
 02:30:13 Chairman Regier
 02:30:18 Chad Parker, assistant attorney general, Department of Justice

Closing by Sponsor:

02:30:29 Sen. Swandal
 02:31:11 Brief Recess
 02:45:10 Reconvene

EXECUTIVE ACTION ON SB 230

02:45:43 **Motion:** Sen. MacDonald moved that **SB 230 DO PASS.**

Discussion:

02:47:20 Sen Swandal
 02:48:34 Sen. Vincent
 02:49:57 Sen. Swandal
 02:50:55 Sen. Vincent
 02:53:43 Sen. MacDonald
 02:55:16 Sen. Hinebauch
 02:55:39 Sen. Swandal
 02:56:07 Chairman Regier

02:56:14 **Vote:** Motion carried 10-1 by roll call vote with Sen. Vincent voting no. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 258

02:56:55 **Motion:** Sen. Swandal moved that **SB 258 DO PASS.**

Discussion:

02:57:29 Sen. Gross

02:57:36 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 310

02:58:06 **Motion:** Sen. Fielder moved that **SB 310 DO PASS.**

Discussion:

02:58:49 Sen Sands
02:59:01 Sen. Fielder
02:59:26 Sen. Vincent
02:59:39 Sen. Sands
03:00:40 Sen. MacDonald
03:01:23 Chairman Regier
03:01:32 Sen. Fielder
03:02:54 Sen. Vincent
03:03:11 Sen. Sands
03:03:41 Chairman Regier

03:03:49 **Vote:** Motion carried unanimously by roll call vote. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 207

03:04:30 **Motion:** Sen. Fielder moved that **SB 207 DO PASS.**

Discussion:

03:04:44 Chairman Regier
03:05:01 Sen. Swandal

03:05:22 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

Discussion on SB 229:

03:05:55 Chairman Regier
03:06:01 Sen. Fielder

EXECUTIVE ACTION ON SB 249

03:06:10 **Motion:** Sen. Swandal moved that **SB 249 DO PASS.**

03:06:25 **Motion:** Sen. Swandal moved that **SB 249 BE AMENDED.**

[EXHIBIT\(jus39a08\)](#)

Discussion:

03:07:15 Sen. Sands
03:07:19 Sen. Swandal

03:07:36 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

03:07:52 **Motion:** Sen. Swandal moved that **SB 249 DO PASS AS AMENDED.**

Discussion:

03:09:27 Sen. Gross
03:09:51 Sen. Boland
03:10:20 Sen. Swandal
03:11:04 Sen. Gross
03:11:21 Sen. Vincent
03:11:49 Sen. Swandal
03:12:15 Chairman Regier
03:12:22 Sen. Swandal
03:12:37 Sen. Fielder

03:12:57 **Vote:** Motion carried unanimously by roll call vote. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 250

03:13:39 **Motion:** Sen. Swandal moved that **SB 250 DO PASS.**

Discussion:

03:14:49 Chairman Regier

03:15:00 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

03:15:27 Chairman Regier
03:15:39 Sen. Vincent

ADJOURNMENT

Adjournment: 11:17 A.M.

Pam Schindler, Secretary

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Additional Documents

Additional Documents:

EXHIBIT([jus39aad.pdf](#))